

In the United States District Court of Delaware

Harry Samuel
Plaintiff

v.

Civ. NO. 05-037-SLR

Thomas Carroll (Warden)
and et al
Rob Young, Dental Services
(FCM and CMS)
Defendants



Plaintiff letter to U.S. District Court

Regarding Exhaust Administrative Remedies

Plaintiff; Samuel, Submit to the District Court that on Page 2 of Plaintiff complaint (D.I. 2). Plaintiff mark the box NO that Plaintiff did not grievance. This NO is in regard to Classification, Disciplinary and Being handcuffed behind Plaintiff back during Dental Treatment. (Put in MHU/MAX).

State's Exhibit A, Bureau of Prisons Procedure Manual DOC Policy 4.4 Page 2 of 7 at v. Procedure 2, which state Classification and Disciplinary have a appeal mechanisms and are not grievable though the IGP.

Plaintiff was Classified to the Compound for good behavior and good Treatment Participation exhibited. On September, 2004, Counselor Kramer told Plaintiff, you (Plaintiff) are now in MHU/MAX and you (Plaintiff) can Appeal being Put in MHU/MAX. At which time Plaintiff did Appeal as Plaintiff Counselor Kramer, instructed the Plaintiff to Appeal. As Plaintiff stated Plaintiff Appealed see Plaintiff Complaint Page - 2 - (D.I. 2) also see Exhibit A-15 which is Plaintiff Appeal to Prison authorities. Plaintiff never got a response from any of the Prison authorities Plaintiff Appealed to in regard to Plaintiff Appeal.

Plaintiff Complained to the unit Sargent and Lieutenant about Cell Conditions and Pillow in the SHU. The District Court all ready denied the Conditions claim as far as Defendant Motion(s) arguing Administrative remedies and Personal involvement.

Plaintiff did not Present a danger exhibited, therefore there was no need to retrain Plaintiff during Treatment causing

an unnecessary and wanton infliction of Pain and discomfort and lack of dignity to Plaintiff.

The District Court all ready denied Plaintiff Classification Claim as far as Defendant(s) Motion(s) arguing Administrative remedies and Personal involment

Plaintiff did not disobey any of the Correctional facilities rules of conduct to be Put in SHU/MHU/MAX and restraint. The Plaintiff had all ready reach the SHU ultimate goals enhance self-reliance, self-control, self-respect, self-discipline and improve Plaintiff quality of life, Three Year before Plaintiff Placement in MAX again in 2004. But Plaintiff was Placed backward for reaching the Correctional facility goals. Not because of bad behavior.

Plaintiff did submit and Grievance, Medical Grievance for delay in filling plaintiff tooth (Exhaust Administrative Remedies).

Date: 8-2-2006

Respectfully Submitted
 Harry L. Samuel pro se
 SBI, # 201360
 Delaware Correctional center

Certificate of Service

I, Harry Samuel, hereby certify that I have served a true

and correct cop(ies) of the attached: plaintiff letter to u.s. District Court, regarding Exhaust Administrative Remedies upon the following

parties/person (s):

TO: Dana Spring Menze
(McCullough & McKenty, PA.)
1225 N. King Street, Suite 1100
P.O. Box 397
Wilmington, DE 19899-0397
(FCM)

TO: OPhelia M. Waters
Deputy Attorney General
State of Delaware
Department of Justice
820 North French Street, 6th Floor
Wilmington Delaware 19801
(warden, et al)

TO: Kevin J. Connors
(Marshall, Dennehey, Warner,
Coleman & GOGGIN)
1220 North Market Street
5th Fl. P.O. Box 8888
Wilmington, DE 19899-8888
(CMS, I)

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, 1181 Paddock Road, Smyrna, DE 19977.

On this 3rd day of August, 2006

Harry Samuel

IM Harry Samuel
SBI# 201360 UNIT 23, B, 2, U
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

WILMINGTON DE 197
05 AUG 2006 PM 1 L



TO: Office of the Clerk
United States District Court
844 N. King Street, Lock 1018
Wilmington, Delaware
19801-3570



19801-3570